

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 29, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, May 29, 2014, at 9:30 a.m. at Winchester Hall. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, David Gray and Kirby Delauter. Also present were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary.

Invocation and Pledge of Allegiance

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

Commissioner Comments

Comments were provided by the Board.

Update of Board of County Commissioners’ Administrative Actions – Commissioner Blaine R. Young and Lori Depies, Office of the County Manager

Commissioner Young briefed the public on the Board’s recent administrative actions.

Approval of Minutes

The minutes for April 23, 2014, were approved by unanimous consent.

PUBLIC COMMENTS

- Stan Mordensky
- Amy Reyes
- Matt Seubert
- Lisa Jurensky
- Chuck Hohns
- Elmo Lewis
- Roy Stanley

CONSENT AGENDA

The following items were considered on the consent agenda:

- Purchasing Memo #14-197 – Fire Hose and Accessories (Piggyback Contract)
- Purchasing Memo #14-198 – Relocation and Upgrade of Audio Visual Equipment in the Emergency Operations Center and Conference Room and Budget Transfer (Piggyback Contract)
- Budget Transfers: BT-14-176, BT-14-177 and BT-14-178, Fleet Services, Public Works Division; BT-14-183, Fire and Rescue Services Division; BT-14-184, Child Advocacy

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Center, Citizens Services Division and BT-14-185, Department of Aging, Citizens Services Division

- Change Order No. 26 – Montevue Adaptive Reuse Project Site Improvements

Motion to approve the consent agenda as presented – Passed 5-0.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | | X | | | |
| Gray | | | X | | | |
| Delauter | | X | X | | | |

WORKSESSION

Recommended LEPC Appointments – Seamus Mooney, Emergency Management Division

Motion to send a letter to Mr. Kenneth Mallette, State Emergency Response Commission , with the recommended appointments to the Frederick County LEPC – Passed 5-0.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | X | X | | | |
| Gray | | | X | | | |
| Delauter | | | X | | | |

Third Quarter Financial Analysis – Reporting Financial Results for Nine Months ended March 31, 2014 – Erin White, Finance Division

The following Finance Division staff presented the financial results for Frederick County for the nine (9) months ended March 31, 2014:

- Melanie Thom – General Fund; and
- Kathi Tritsch – Water and Sewer Enterprise Fund

There were no public comments.

No action was taken by the Board as this item was informational.

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ADMINISTRATIVE BUSINESS

Present for Signature Purposes – Zoning Map Amendment #R-12-10 – Monrovia Town Center Planned Unit Development (Public Hearing Held 4/23/14) – Michael Chomel, Office of the County Attorney

Mr. Chomel presented the ordinance for signature and no action was taken.

(A copy of the approved/adopted ordinance can be obtained in the County Manager’s Office or from the county’s website, www.FrederickCountyMD.gov.)

Present for Signature Purposes – Development Rights and Responsibilities Agreement – Monrovia Town Center PUD DRRA #12-06 (Public Hearing Held 4/23/14) – Jim Gugel, Community Development Division and Kathy Mitchell, Office of the County Attorney

Mr. Michael Chomel, Office of the County Attorney, presented the DRRA for signature and no action was taken.

PUBLIC HEARING (Continued from 3/20/14)

2013 Fall Cycle Water and Sewerage Amendments – Jim Gugel, Community Development Division

Mr. Gugel noted the following cases were continued from the public hearing held on March 20, 2014, and were to be brought back following the adoption of the ordinance granting approval for Rezoning Case # R-12-02 (Monrovia Town Center).

Representing the applicants were Mr. Noel Manalo, Esquire, Miles and Stockbridge; and Mr. Fran Zeller, Harris Smariga and Associates, who commented on the amendments.

#WS-13-21 – 75-80 Properties, LLC - Tax Map 88, Parcels 27, 21; Tax Map 97, Parcel 2 - Located on the west side of MD 75, Green Valley Road, north of MD 80, Fingerboard Road, east of Ed McClain Road.

There was no public comment.

Motion to approve #WS-13-21 as presented – Passed 4-1.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | X | X | | | |
| Gray | | | | X | | |
| Delauter | | | X | | | |

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#WS-13-22 – Payne Investments, LLC - Tax Map 88, Parcel 22 - Located on the east side of Ed McClain Road, west of MD 75, Green Valley Road.

There was no public comment.

Motion to approve #WS-13-22 as presented – Passed 4-1.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | X | X | | | |
| Gray | | | | X | | |
| Delauter | | | X | | | |

#WS-13-23 – 75-80 Properties, LLC - Tax Map 88, Parcel 28 - Located on the east side of MD 75, Green Valley Road, north of MD 80, Fingerboard Road.

There was no public comment.

Motion to approve #WS-13-23 as presented – Passed 4-1.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | X | X | | | |
| Gray | | | | X | | |
| Delauter | | | X | | | |

#WS-13-24 – 75-80 Properties, LLC - Tax Map 97, portion of Parcel '0' - Located at the northwest intersection of MD 75, Green Valley Road, and MD 80, Fingerboard Road.

There was no public comment.

Motion to approve #WS-13-24 as presented – Passed 4-1.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | X | X | | | |
| Gray | | | | X | | |
| Delauter | | | X | | | |

#WS-13-25 – 75-80 Properties, LLC - Tax Map 88, portion of Parcel 127 - Located on the southwest side of Weller Road, bisected by a powerline.

There was no public comment.

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Motion to approve #WS-13-25 as presented – Passed 4-1.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | X | X | | | |
| Gray | | | | X | | |
| Delauter | | | X | | | |

ADMINISTRATIVE BUSINESS

Purchasing Memo #14-157 – Countywide HVAC Maintenance and Amendment No. 1 and Purchasing Memo #14-158 – First Renewal Option and Amendment No. 1 for Countywide HVAC Maintenance - Diane George, Finance Division

Motion to approve Purchasing Memos #14-157 and #14-158 as presented – Passed 5-0.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | | X | X | | | |
| Shreve | | | X | | | |
| Gray | X | | X | | | |
| Delauter | | | X | | | |

Adoption of the FY 2015 Property Tax Rates (Public Hearing Held 5/6/14) – Regina Howell, Budget Office, Office of the County Manager

Ms. Howell presented the proposed Property Tax Levy resolution for FY 2015.

Motion to adopt the resolution setting the FY 2015 General Property Tax Levy at \$1.064 per \$100 of assessed taxable property value, except for the incorporated municipalities of The City of Frederick and Myersville - Failed 2-3.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | | X | | |
| Smith | X | | X | | | |
| Shreve | | | | X | | |
| Gray | | X | X | | | |
| Delauter | | | | X | | |

Motion to adopt the resolution setting the FY 2015 General Property Tax Levy at \$1.060 per \$100 of assessed taxable property value (constant yield), except for the incorporated municipalities of The City of Frederick and Myersville – Passed 3-2.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | | | | X | | |
| Shreve | | X | X | | | |
| Gray | | | | X | | |
| Delauter | X | | X | | | |

(A copy of the approved/adopted resolution can be obtained in the County Manager’s Office or from the county’s website, www.FrederickCountyMD.gov.)

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Request to go to Public Hearing Regarding the Recordation Tax Allocation and Proposed Ordinance to Allow Transfer of Certain Recordation Tax Revenues into the General Fund – Erin White, Finance Division

Ms. White presented a request to take to public hearing a proposed ordinance that would no longer designate a portion of the recordation tax for the former Citizens Care and Rehabilitation Center and for a return of the previously designated revenue to the General Fund. Ms. White also noted staff was going to include the one-time transfer of \$1 million of recordation tax revenues from the Parks Acquisition Development Fund to Frederick County Public Schools for technology enhancement.

Motion to hold a public hearing on the proposed transfers of certain recordation tax revenues into the General Fund – Passed 4-1

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | X | X | | | |
| Gray | | | | X | | |
| Delauter | | | X | | | |

FY 2015 Fee Resolution for Permits and Inspections and Planning and Development Review – Gary Hessong, Community Development Division

Mr. Hessong presented the proposed resolution adopting the FY 2015 fees.

Motion to approve a resolution adopting the fee scheduled for FY 2015 for the Department of Permits and Inspections and the Department of Planning and Development Review – Passed 5-0.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | | X | X | | | |
| Shreve | | | X | | | |
| Gray | X | | X | | | |
| Delauter | | | X | | | |

(A copy of the approved/adopted resolution can be obtained in the County Manager’s Office or from the county’s website, www.FrederickCountyMD.gov.)

Memorandum of Understanding (MOU) Between Frederick County, The City of Frederick, and the Religious Coalition for a 12-month Shelter; MOU Between the Religious Coalition for a Family Shelter and MOU Between Frederick County and the Mental Health Association for 211 Counseling Services - Pat Rosensteel, Citizens Services Division

Ms. Rosensteel presented the MOUs.

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Motion to approve the MOUs as presented – Passed 5-0.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | | X | | | |
| Gray | | | X | | | |
| Delauter | | X | X | | | |

Fleet Utilization Study and Pilot Program Final Report – Pat Hannah, Public Works Division

Mr. Hannah and Mr. Chuck Nipe, Public Works Division, presented the recommendations concluded as a result of Phases 1 and 2 of the study noting a significant potential savings to the county.

Motion to move forward with the Fleet Utilization Study and accept the Pilot Program final report – Passed 5-0.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | | | X | | | |
| Shreve | X | | X | | | |
| Gray | | | X | | | |
| Delauter | | X | X | | | |

520 North Market Street Contract of Sale Extension – Crystal Chamberlain, Public Works Division

Ms. Chamberlain presented the request from Mr. Michael Long.

Motion to approve the Amendment to Agreement of Sale of Real Property and extend the study period by a period of 30 days from receipt of notice of Board of the Public Works approval for the sale of 520 North Market Street – Passed 4-1.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | | | X | | |
| Gray | | | X | | | |
| Delauter | | X | X | | | |

Review and Consideration of Central Frederick Sewer Service Agreement – Mike Marschner, Office of the County Manager

Mr. Marschner and Mr. Zach Kerschner, The City of Frederick, presented the agreement that would replace several flow allocation, funding, and operations agreements for wastewater collection and treatment infrastructure for the central Frederick area.

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Motion to authorize the President of the Board to execute the agreement as presented following Frederick City’s approval and execution – Passed 5-0.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | X | X | | | |
| Gray | | | X | | | |
| Delauter | | | X | | | |

First Amendment to Broker’s Representation Agreement with Marcus and Millichap – Lori Depies, Office of the County Manager

Ms. Depies presented the amendment noting that it was related to the sale of the combined Citizens Care and Rehabilitation Center and Montevue Assisted Living.

Motion to approve the extension of the agreement and authorize Commissioner Young to execute the document – Passed 4-1.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | | X | | | |
| Gray | | | | X | | |
| Delauter | | X | X | | | |

Business Updates – Helen Propheter, Community Development Division

Ms. Propheter updated the Board.

No action taken as item was informational.

PUBLIC COMMENTS

- Betsy Smith
- Pam Abramson
- Janice Sheffer

QUESTIONS – PRESS

- Bethany Rogers, The Frederick News-Post

COMMISSIONER COMMENTS

None.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 29, 2014**

CLOSED SESSION

Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Topic – To consider an appeal under the County Personnel Rules.

Motion to go into closed session – Passed 5-0.

| COMMISSIONERS | MOTION | SECOND | YES | NO | ABSTAIN | NOT PRESENT |
|---------------|--------|--------|-----|----|---------|-------------|
| Young | | | X | | | |
| Smith | X | | X | | | |
| Shreve | | | X | | | |
| Gray | | | X | | | |
| Delauter | | X | X | | | |

ADJOURN

The meeting adjourned at 12:35 p.m.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MAY 29, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

12:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider an appeal under the County Personnel Rules.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JUNE 5, 2014,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 29, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

12:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, L. Depies, and M. Chomel

Topic Discussed:

To consider an appeal under the County Personnel Rules.

Action Taken:

Staff was authorized to uphold the determination of the division director.

Patti Morrow
Recording Secretary